

III. REMARKS

1. Claims 1, 7, 10 and 11 are amended. Claims 12 and 13 are new.
2. Claim 11 is amended to overcome the rejection under 35 U.S.C. 101.
3. Claims 1-4 and 6-11 are patentable under 35 U.S.C. 103(a) over Ben-Shachar et al., US 6,208,996 (hereinafter "Ben-Shachar") and Lewis et al., US 6,738,635 (hereinafter "Lewis"). Claim 1 recites a timing element configured to record the predetermined time in a timing register. This feature is not disclosed or suggested by the combination of Ben-Shachar and Lewis.

Ben-Shachar discloses a system for maintaining a notification database in a mobile device. A notification scheduling program is run at a predetermined time. The notification scheduling program is configured to obtain information indicative of a plurality of notifications to be presented in the future. The notifications that are to be presented within a predetermined time period are entered in the notification database. The notification scheduling program is scheduled to run in response to the expiration of the predetermined time period. (Abstract). In Ben-Shachar the user enters the time associated with the notification in the mobile device (3). The application receiving the notification information (i.e. the clock application or the calendar application) calls an application programming interface that causes the operating system to provide the user with a desired user indicia at the indicated time (Col. 6, L. 62 – Col. 7, L. 3). This is not what is claimed by Applicant.

Claim 1 recites a timing element configured to record the predetermined time in a timing register. The clock application and the calendar application in Ben-Shachar are not the same as the "timing element" claimed and described by Applicant. In Ben-Shachar the clock and calendar notifications are scheduled to run only for a predetermined time (e.g. periodically) to conserve power and so that the notification scheduling program runs periodically (Col. 7, L. 47-59; See also Col. 9, L. 17-54 and Col. 12, L. 10 – Col. 13, L. 28). The notification engine of Ben-Shachar is also not the same as the "timing

element” claimed and described by Applicant. The notification engine also runs periodically to determine which notification or alarms should be actuated (Col. 7, L. 4-7; Col. 7, L. 47-59).

Thus, because Ben-Shachar does not disclose or suggest a timing element as recited by Applicant, Ben-Shachar can not disclose or suggest “a timing element configured to record the predetermined time in a timing register”. There is simply no disclosure of this feature in Ben-Shachar. The clock application, the calendar application and the notification engine Ben-Shachar are not disclosed or suggested as recording “the predetermined time in a timing register”. All that Ben-Shachar discloses is that in order to set a clock alarm or a calendar notification, the user typically enters the time associated with the notification and type of notification desired into mobile device (3). The application receiving that information then typically calls an application programming interface which is exposed by operating system (98) which causes the operating system to provide the user with a desired user indicia at the indicated time. (Col. 6, L. 62 – Col. 7, L. 3). Ben-Shachar merely discloses that all notifications are stored in a large database (Col. 7, L. 4).

Combining Lewis with Ben-Shachar does not remedy the above noted deficiencies of Ben-Shachar. Lewis discloses a schedule notification system including a computer program executed by a message originating entity (32) (Col. 8, L. 5-7). The message originating entity is disclosed as a personal computer (Col. 7, L. 56-58) or a wireless device (Col. 3, L. 33-36). The computer program retrieves data related to a scheduled event from a schedule program that is also executed by the message originating entity (32), determines whether the retrieved data includes data that should be transferred to the message receiving entity (34), formats data to be transferred, and transfers the formatted data to the message receiving entity (34) (Col. 8, L. 7-14).

There is no disclosure or suggestion whatsoever in Lewis of a “timing element configured to record the predetermined time in a timing register” as recited by Applicant. All that Lewis discloses is that all data relating to a single scheduled event may be placed

in an event record which includes pertinent data from the schedule program, a message originating entity identifier, a message retrieving entity identifier, a record identifier and information related to the time the message is to be delivered (Col. 10, L. 55-63). The timer operation disclosed at column 9, line 57 through column 10, line 2 merely compares a present time to the time when the scheduled data was last retrieved and is not the same as the "timing element" recited by Applicant for at least this reason.


Thus, claim 1 is patentable over the combination of Ben-Shachar and Lewis because their combination does not disclose or suggest all the features of Applicant's claim 1. Claims 7, 10 and 11 are patentable over the combination of Ben-Shachar and Lewis for reasons substantially similar to those described above with respect to claim 1. Claims 2-4, 6, 8, 9, 12 and 13 are patentable at least by reason of their respective dependencies.

4. Claim 5 is patentable under 35 U.S.C. 103(a) over Ben-Shachar and Kawamoto et al., US 7,194,558 (hereinafter "Kawamoto"). Claim 5 depends from claim 1. For the reasons described above Ben-Shachar does not disclose or suggest all the features of Applicant's claim 1. Thus, it is submitted that the combination of Ben-Shachar and Kawamoto can not as well. Therefore, claim 5 is patentable at least by reason of its dependency.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



William J. Knotts, Jr.
Reg. No. 53,145

8-14-2007
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being transmitted electronically on the date indicated below and addressed to Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 14 AUGUST 2007

Signature: Natalie Ivanoff

Natalie Ivanoff
Person Making Deposit